

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MCKINLEY PIERCE ATKINS,
Plaintiff,
v.
E. ROCHA, et al.,
Defendants.

Case No. 1:20-cv-00193-JLT (PC)

**ORDER DISCHARGING ORDER TO
SHOW CAUSE AND GRANTING
EXTENSION OF TIME *NUNC PRO TUNC***

(Doc. 12)

45-DAY DEADLINE

On June 7, 2020, the Court issued a screening order directing Plaintiff to filing a first amended complaint within 21 days. (Doc. 9.) The Court granted Plaintiff an extension of time to comply with the screening order on June 22, 2020. (Doc. 11.) Plaintiff failed to file a first amended complaint with the time provided. Therefore, on September 7, 2020, the Court issued an order to show cause why this action should not be dismissed for failure to obey a court order. (Doc. 12.)

On September 18, 2020, Plaintiff filed a response to the order to show cause. (Doc. 13.) Plaintiff states that he suffered a stroke in August and was hospitalized. (*Id.*) He further states that, upon his return to the prison where he is incarcerated, prison officials placed him in quarantine for 21 days. (*Id.*)

The Court finds good cause to grant Plaintiff's request for an extension of time. Accordingly, the Court DISCHARGES its order to show cause (Doc. 12) and GRANTS Plaintiff

1 **45 days** from the date of service of this order to file a first amended complaint curing the
2 deficiencies identified in the Court's screening order or, in the alternative, a notice of voluntary
3 dismissal. **Failure to comply with this order will result in a recommendation that this action**
4 **be dismissed for failure to state a claim and to obey a court order.**

5
6 IT IS SO ORDERED.

7 Dated: September 22, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE